

REMARKS

102(e) Rejection Traversals

The Examiner has rejected claims 5-8 under 35 U.S.C. §102(e) as anticipated by Xu et al. (U.S. Pub. No 2002/0073076). Applicant respectfully traverses.

With respect to Applicant's claims 5 and 6, the Examiner argues that both Xu et al. '076 and the Applicant's invention teach searching database files both offline and online (See Xu et al. '076, paragraph [0034]). Applicant has amended independent claims 5 and 6 to remove the step of searching database files via a browser, both online and offline. In light of the Applicant's amendment to claims 5 and 6, the Applicant's invention is limited to the actions of accessing data, hosting data, updating data, deleting data and combinations thereof, both online and offline. As discussed hereinbelow, Xu et al. '076 does not teach such actions, both online and offline.

The Examiner has cited paragraphs [0031], [0034], [0038] and [0046-0047] as evidence that Xu et al. '076 teaches a user creating, adding, deleting, updating and searching database files, both online and offline. However, the Examiner appears to have misinterpreted Xu et al. '076. Specifically, paragraph [0031] in Xu et al. '076 teaches only offline actions, as each action is done via an offline database manager program. Nowhere in paragraph [0031] does Xu et al. '076 teach completing such actions online, as does the Applicant's invention.

Further, paragraphs [0034] and [0038] of Xu et al. '076 do not teach creating, adding, deleting, updating and searching database files, both online and offline, as does the Applicant's invention.

Further, with respect to paragraph [0046] of Xu et al. '076, the Examiner is reading more into the Xu et al. '076 patent than is actually present. Xu et al. '076 teaches

utilizing an offline database manager program to create, add, delete and update database files. Thus, it is clear that utilizing an offline database manager program means that the user is offline. Additionally, there is only a brief mention of anything even remotely related to any online activity in Xu et al. '076, paragraph [0046], which is limited to the user uploading a modified database file by utilizing FTP or similar network protocols (the database file having previously downloaded and then modified offline). However, uploading database files does not constitute the actions of creating, adding, deleting and updating database files *online*, as is present in the Applicants' invention.

Lastly, paragraph [0047] of Xu et al. '076 teaches the step of modifying database files by adding, deleting or updating records within the database files (See Fig. 4, step 402). However, such actions are only accomplished offline once the user has created at least one database file offline (See Fig. 4, step 401). Xu et al. '076 makes it clear that any subsequent steps after step 401 must occur offline. Such is reinforced by step 403, which specifically outlines the first description of online activity through requiring the action of uploading database files. Such is not the case in the Applicant's claimed invention. To the contrary, the Applicant's invention accomplishes its actions of modifying database files both offline and online.

As set forth in W.L. Gore and Associates v. Garlock, Inc., "anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration". W.L. Gore and Associates v. Garlock, Inc., 721 F.2d 1540 (Fed. Cir. 1984). Further, "each and every element of the claimed invention" must be "arranged as in the claim". Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452 (Fed. Cir. 1984). As such, because each and every element of the Applicants' invention is not taught by the reference, the Examiner's *prima facie* case for rejection is lacking.

Accordingly, the Applicant's invention distinguishes over Xu et al. '076 and the rejection of independent claims 5 and 6 is traversed. Since claims 7-11 depend ultimately from claim 6, the Examiner's rejection of claims 7-11 is moot.

103(a) Rejection Traversals

The Examiner has rejected claims 9-11 under 35 U.S.C. §103 as being unpatentable over Xu et al. (U.S. Pub. No 2002/0073076) in view of Haynes et al. (U.S. Pat. No. 7,110,968).

Applicant respectfully disagrees that Xu et al. '076 in view of Haynes et al. '968 renders the Applicant's invention obvious because Xu et al. '076 does not teach Applicant's invention as in claim 6 as noted above. Accordingly, the Examiner's rejection of claims 9-11, depending from claim 6, is now moot.

CONCLUSION

No new matter has been added. Applicant respectfully believes that that the application is now in condition for allowance. Should the Examiner have any questions regarding this submission, she is invited to contact the undersigned counsel at the telephone number below.

{Signature follows on next page}

Orhomuru, Sunday

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Respectfully submitted, this 26th day of August, 2009,

A handwritten signature in black ink, appearing to read 'T. R. Williamson III', written over a horizontal line.

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